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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: Planning Commission

FROM: Len Mansell, Planner III

DATE: ***December 8, 2005***

SUBJECT: General Plan Conformity Report for t is to abandon the east 20'-0" of the 100'-0" right of way of Mission St. between 16th and 18th St. and the southern 40'-0" of the 80'-0" 18th St right of way between Mission St. and the Railroad and the total 80'-0" right of way of 17th St. between Mission St. and the Railroad. This abandonment request will provide the needed square footage to enhance this property into a viable commercial site providing a more suitable location for businesses. Public Works has no plans of improving these portions of either 17th St. or 18th St. and this portion of Mission St. is unnecessary for present or prospective public use.

(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable circulation provisions of the general plan.

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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

DETERMINATION DATE December 8, 2005		CONTACT/PHONE Leonard F. Mansell 781-5199		APPLICANT Lime Mountain Company		FILE NO. SUB 2004-00251	
SUBJECT Determination of conformity with the General Plan for the abandonment of a portion of Mission Street, 17th St. and 18th St.. The project is located within the urban area of San Miguel in the Salinas Planning Area.							
RECOMMENDED ACTION Receive and file the determination that the proposed vacation is in conformity with the County General Plan							
ENVIRONMENTAL DETERMINATION Not required for conformity reports							
LAND USE CATEGORY Commercial Service		COMBINING DESIGNATION None		ASSESSOR PARCEL NUMBER 021-092-001 021-112-001		SUPERVISOR DISTRICT(S) 1	
PLANNING AREA STANDARDS: Chapter 4 Circulation/ Chapter 8 Commercial Service/Height Limitations/Setbacks-Community wide							
EXISTING USES: Vacant							
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Service East: Industrial South: Commercial Service West: Residential Single Family							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Advisory Committee							
TOPOGRAPHY: Flat				VEGETATION: Weeds			
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Voluntary Fire Department				ACCEPTANCE DATE: January 24, 2005			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

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PROJECT DESCRIPTION

This request is to abandon the east 10'-0" of the 100'-0" right of way of Mission St. between 16th and 18th St. and the southern 40'-0" of the 80'-0" 18th St right of way between Mission St. and the Railroad and the total 80'-0" right of way of 17th St. between Mission St. and the Railroad. This abandonment request will provide the needed square footage to enhance this property into a viable commercial site providing a more suitable location for businesses. Public Works has no plans of improving these portions of either 17th St. or 18th St. and this portion of Mission St. is unnecessary for present or prospective public use.

GENERAL PLAN CONFORMITY

When the disposal of real property is proposed, in the form of public right-of-way or private easement within the unincorporated area, the proposal must be evaluated for consistency with the county General Plan before the action is authorized. Pursuant to Government Code section 65100, the Planning Department is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

The determination of conformity is to be based on the County General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in the Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.
- 2 The project is consistent with the goals, objectives and policies of the Land Use Element, and any other applicable General Plan Element.

The vacation of this right-of-way/easement meets the factors as set forth in the Land Use Element as enumerated above.

The Salinas Planning Area Standards in Chapter 5 : Circulation Element , calls out two objectives that can be used to refer to this request.

- 1.d. Encourage economic development in North County to reduce intra-county commuting
- 1.e. Design necessary road and street expansions to include measures to minimize the amount of paved surface and retain the open visual character of the local area.

The abandonment of a right-of-way does not extinguish rights of properties that have legally-established easements over the right-of-way. These properties maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it to the private use by those who have easements.

The Board of Supervisors can retain public circulation in an abandoned right-of-way for purposes of slope easements, trails or equestrian trails. This area of urban San Miguel is not listed in the County Parks and Trails Element for future use.

Conformity Report /Lime Mountain Co.
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PROCESS

The road abandonment process proceeds to the Board of Supervisors via a public hearing process after the findings of conformity with the General plan are made. The project is introduced as a proposed "intent to abandon a road" and then is scheduled no sooner than four weeks after introduction as a full public hearing before the Board of Supervisors. Mailed notice is given to all properties that have direct access to the road proposed for abandonment. Typically, road abandonment proposals are exempt from environmental review, however, each proposal is evaluated individually.

OTHER AGENCY COMMENTS

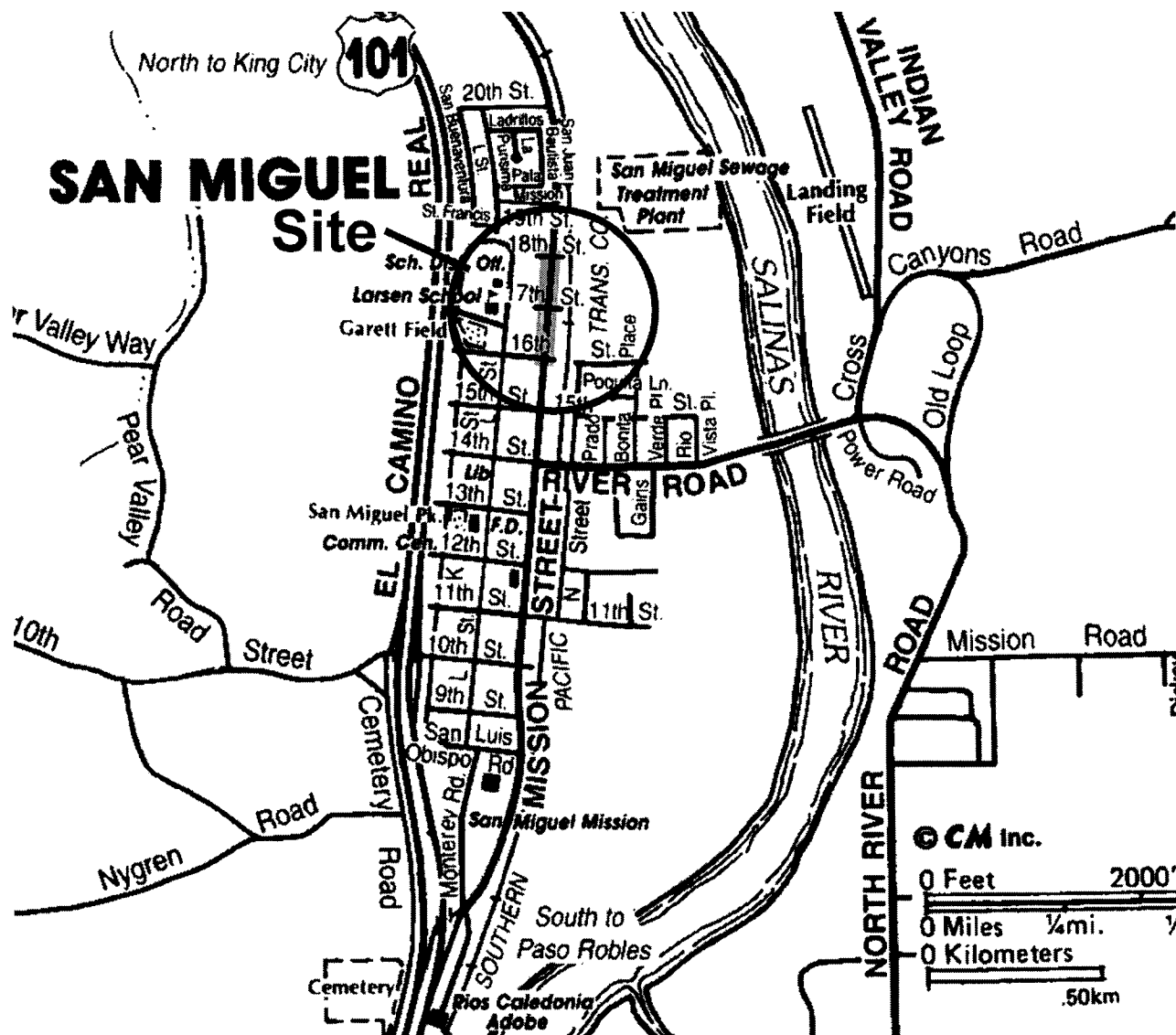
The 17th, 18th and Mission Street abandonment was discussed by the San Miguel Advisory Committee on March 23, 2005. The Committee had no problems with the 17th St. and 18th Street abandonment. There was some concern expressed about reducing the Mission Street right of way from 100 ft to 90 ft, because of the potential for additional traffic from future development to the north. However, when it was explained that 90 ft. of right of way would accommodate two traffic lanes, a turning lane, north and southbound bike lanes, parallel parking and 8 foot sidewalks on both sides of the street the committee decided that they could support this request to reduce the right of way to 90 ft

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DETERMINATION AND FINDINGS

The proposed vacation (as shown in the Exhibit) is in conformity with the county General Plan based on the following findings:

- A. The proposed vacation is in conformance with Circulation Objectives 1d and 1e of the Salinas Area Plan because the right-of-way being abandoned for is not needed for circulation.
- B. The proposed vacation does not conflict with other elements of the County General Plan. The use of the site for **Commercial Service** is consistent with the County General Plan and any applicable Specific Plans.



18TH ST.

19TH ST.

20TH ST.

21ST ST.

10TH ST.

11TH ST.

12TH ST.

13TH ST.

14TH ST.

15TH ST.

16TH ST.

17TH ST.

18TH ST.

MISSION

U.S. HIGHWAY 101

Wahl

ABANDON EAST 20' OF EXIST. P.O.W.

2 ABANDON EAST P.O.W.

1 ABANDON EAST 20' OF EXIST. P.O.W.

SOUTH 40'-0" Of 18th St

COUNTY WILL SUPPORT 10'-0"

Site